nucleic acid and method of producing a polypeptide, classified in class 536, subclass 23.1, class 435, subclasses 69.1, 320.1 and 325, for example;

Group II, claims 6 and 14 (in part), drawn to a method for determining the presence of a prostate specific nucleic acid, classified in class 435, subclass 6, for example;

Group III, claims 10-11 and 15 (in part), drawn to polypeptides and a kit comprising polypeptides, classified in class 530, subclass 350, for example;

Group IV, claim 12, drawn to an antibody, classified in class 539, subclass 387.1, for example;

Group V, claim 13, drawn to a method for determining the presence of a prostate specific protein using an antibody, classified in class 435, subclass 7.1, for example;

Group VI, claim 14 (in part), drawn to a method for diagnosing and monitoring the presence and metastases of prostate cancer by determining the amount of a polypeptide classified in class 435, subclass 4, for example;

Group VII, claim 16, drawn to a method of treating prostate cancer by administering an antibody, classified in class 514, subclass 2, for example;

nucleic acid, classified in class 514, subclass 44, for example; and

Group IX, claim 17 (in part), drawn to a vaccine comprising a protein, classified in class 514, subclass 21.

In addition, the Examiner is requiring Applicants to elect a single nucleic acid, polypeptide or antibody.

The Examiner suggests that the nucleic acids, polypeptides and antibodies, as well as the inventions of Groups I-IX, are patentably distinct from each other. Further, the Examiner suggests that the inventions of Groups I-IX require different searches that are not co-extensive and examination of the inventions would pose a serious burden on the Examiner.

Applicants respectfully traverse this restriction requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any references teaching uses for the nucleic acid, polypeptide or

Examiner that searching of all the claims, at least when limited to an elected nucleic acid, polypeptide or antibody is not overlapping and that undue burden is placed on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, it is respectfully requested that this Restriction Requirement be withdrawn.

However, in an earnest effort to be completely responsive, Applicants elect to prosecute Group I, claims 1-5, 7-9 and 15 (in part), SEQ ID NO:27, with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

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Date: May 8, 2003

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